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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,567	12/26/2001	Wolfram Gorisch		9550

7590 08/21/2003
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EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 08/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,567

Applicant(s)

GORISCH, WOLFRAM

Examiner

Hau V Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-6,9-10 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. The petition filed on 3/25/2003 has been received and will forward to Applications Branch for consideration of the petition regarding filing date.

Election/Restrictions

2. Applicant's election of group I, figures 1-5 and 7, claims 1-4, 7-8 and 11-12 in Paper No. 3 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
3. Claims 5-6, 9-10 and 13 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 3.

Abstract

4. The abstract of the disclosure is objected to because lines 1-8 should be deleted, because it repeats information given in title, line 8, the phrase "This invention comprises" should be changed to -- A rolling device comprises --. Lines 19-20 should be deleted. The reference number should be in parenthesis. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claims 1 and 4 are objected to because of the following informalities: The phrase "the said" should be changed to – the –. Claim 4, the phrase "as described in claim 3" should be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4, 7-8 and 11-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 1, the phrase "consisting of an optional application part" is unclear, what is the limitation of the claim. Lines 10-11, the phrase "in such a way" is unclear and lines 15-16, the phrase "wherein the direction of the set of said first and second swivel axes make an angle alpha to the common and parallel direction of the pivot axes" is unclear, because the first and second swivel axes are oriented in parallel.

Regarding claim 1, the phrase "trapezium-like" and "parallelogram-like" are not clear.

Regarding claim 1, the phrase "said tilt-steered rolling device comprising the said two cross-guides" is not clear.

Regarding claim 1, the phrase "the first cross-guide swivels having a defined second swivel axis and the second cross-guide swivels having a defined second swivel axis" is unclear.

Regarding claim 2, the phrase "wherein each axle of the two wheels of the wheel pair is attached only to one side of the respective wheel holder" is unclear, because the axle was not being claimed in claim 1.

Regarding claim 3, the phrase "pivot axes of the first cross-guide are separated by a distance which is equal to the distance between the pivot axes of the second cross-guide" is unclear, how many pivot axis the first and second cross-guides have and the term "distance" need to add more detail to make it clear.

Regarding claim 7, the phrase "wherein the middle parallel line between the two pivot axes of the first cross-guide has an intersection point K" is unclear, because two parallel lines never have an intersection point.

8. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-4, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Raitz (117,329) in view of Halvorsen (4,659,095).

Raitz in figures 1-3, discloses a skate comprising a platform (A) including extensions (B) and at least three wheels (figure 2) having two wheels arranged side by side as a wheel pair. Raitz fails to show a separate wheel holder and cross-guides.

Halvorsen in figures 1-3, teaches a roller skate arrangement comprising at least one wheel pair (29a, 30a), each wheel rotatably affixed at a separate wheel holder (29, 30). The two wheel holders being interconnected via two cross-guides (32b, 34b, figure 2) using at least four pivot links forming a trapezium or a parallelogram link chain. The two cross-guides linked in a swiveling manner with an extension (16) of a platform (15). The first cross-guide has a first swivel axis and the second cross-guide has a second swivel axis. The first swivel axis and the second swivel axis are oriented in parallel. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the skate of Raitz with the roller skate having a separate wheel holder and cross-guides as taught by Halvorsen in order to allow each wheel pair pivot individually relative to the plane of the platform.

Regarding claim 2, Halvorsen discloses the wheel pair having separate axles (figure 1). The axles attached only to one side of the respective wheel holder.

Regarding claims 3-4, Halvorsen discloses the pivot axes of the first and second cross-guide, which are separated by a distance. The distance is equal to a track width of the wheel pair (figure 1).

Regarding claims 7-8, Halvorsen as best understood discloses the pivot axis of the first cross-guide having an intersection point with a vertical axis of the extension member, wherein the intersection point is located vertically above the axes of the wheel pair (figure 4).

Regarding claim 11, with the combination of Halvorsen into Raitz the roller skate comprising wheel pair, the wheel holders and the two cross-guides, which is mounted at one end and the single wheel (in Raitz) is rotatably affixed at the other end.

Regarding claim 12, Halvorsen discloses the roller skate having tilt-steering wheel pairs at both ends (figure 4).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fenton discloses a roller skate, Hardy discloses a roller skate, Saylor discloses three-wheeled roller skate, Altorter discloses a three-wheeled vehicle, Rosenblum discloses a vehicle, McMullen discloses three-wheeled cycle, Bergeron discloses skates and skate board, Miller discloses three-wheeled vehicle, Vidal discloses an articulated balancer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone numbers

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for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Hauphan

8/20/03

HP
August 20, 2003

**HAUPHAN
PATENT EXAMINER**